

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

DAVID L. JONES,

Petitioner,

v.

Case No. 2:04-cv-192  
HON. GORDON J. QUIST

TIM LUOMA,

Respondent.

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**ORDER AND JUDGMENT**  
**APPROVING REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties, and no objection has been made thereto within the time required by law.

THEREFORE, IT IS ORDERED that:

1. The Report and Recommendation of the Magistrate Judge (Docket #3) is approved and adopted as the opinion of the Court.
2. The petition for writ of habeas corpus is dismissed. Petitioner is denied a certificate of appealability should he file an appeal of this judgment.

Dated: June 1, 2005

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/s/ Gordon J. Quist  
GORDON J. QUIST  
UNITED STATES DISTRICT JUDGE